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amnesty international

EAST TIMOR
Going through the motions

Statement before the United Nations Special Committee on Decolonization - 23 July 1996

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This report contains the text of an oral statement about human rights in East Timor delivered by Amnesty International on 23 July 1996 before the United Nations (UN) Special Committee on Decolonisation which meets annually in New York.

The Decolonisation Committee is only one of the international fora through which the situation in East Timor is addressed. Others include the United Nations Commission on Human Rights (UN CHR) and the UN sponsored talks between the Governments of Indonesia and Portugal. At each set of talks the hopes of the East Timorese people are raised in the belief that real action may be taken to stop the torture, arbitrary arrests and killings in the region. Sadly, despite all this talk little progress has been made in protecting and promoting the rights of the East Timorese

Amnesty International believes that any discussion concerning the future of East Timor must have at its core the protection of the human rights of the East Timorese. The organization also considers that the people of East Timor should not have to wait until the final outcome of such discussions before they are free from arbitrary arrest, torture, "disappearance" or extrajudicial execution at the hands of the Indonesian security forces. Rather, the Indonesian Government should take immediate action to improve the human rights situation while talks on the future of East Timor continue.

Amnesty International has repeatedly urged the Indonesian Government to take steps which would end the pattern of gross violations in East Timor. Through fora such as the UN Committee on Decolonisation, it has also appealed to the international community to fulfil its responsibility to the people of East Timor by holding the Indonesian Government to account for violations whenever they occur.

Amnesty International acknowledges that a number of initiatives were taken by the Government of Indonesia during the past year. Had these been backed by a genuine commitment to concrete action from the Indonesian Government, an improvement in the human rights situation might have followed. Instead, the measures taken were cosmetic, principally directed at the appeasement of international and domestic critics. In the meantime, the human rights situation in East Timor deteriorated further with continued reports of arbitrary arrest, torture, "disappearance", extrajudicial executions and unfair political trials.

KEYWORDS: IMPUNITY / ARBITRARY ARREST / TORTURE/ILL-TREATMENT / DISAPPEARANCES / MASS KILLING / UN / ICRC /

This report summarizes a 4-page document (2,335 words), *East Timor: Going through the motions* (AI Index: ASA 21/39/96) issued by Amnesty International in July 1996. Anyone wishing further details or to take action on this issue should consult the full document.

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Statement before the United Nations Special Committee on Decolonization - 23 July 1996

Chair,

The eighth round of United Nations (UN) sponsored talks between the Indonesian and Portuguese Foreign Ministers were recently completed[1]. The talks, which began in 1992, are aimed at seeking a settlement to the question of East Timor. At this round, as in previous rounds, human rights were raised, but no firm proposals were made that would result in the much needed improvement of the situation on the ground.

Amnesty International believes that any discussion concerning the future of East Timor must have at its core the protection of the human rights of the East Timorese. The people of East Timor should not have to wait until the final outcome of such discussions before they are free from arbitrary arrest, torture, "disappearance" or extrajudicial execution at the hands of the Indonesian security forces. Rather, the Indonesian Government should take immediate steps to improve the human rights situation while the talks on the future of East Timor continue.

Last year we outlined before this Committee three steps which would end the pattern of gross violations in East Timor. The steps were:

Firstly, that the Indonesian Government undertakes concrete action to address the root causes of the violations occurring in East Timor, including impunity, arbitrary abuse of power by the security forces and legislation which allows for the detention of prisoners of conscience

Secondly, that independent monitoring of violations is guaranteed in policy and practice;

And finally, that the international community consistently condemn violations whenever they occur in East Timor.

None of these steps were taken and the human rights situation in East Timor deteriorated further. Amnesty International received regular reports of extrajudicial killings, "disappearances", arbitrary arrests, torture, beatings and unfair political trials throughout the year. We are particularly concerned that the authorities may be using disturbances in the territory as a pretext to arrest individuals involved in peaceful pro-independence activities. Waves of arrests followed such disturbances in September and October 1995 and more recently in Baucau in June 1996. Amnesty International received reports of torture and beatings of those arrested in September and October 1995 which contradict the authorities'

denials that detainees were tortured or ill-treated.[2] In this context the need for action is more urgent than ever.

Although none of the above steps were implemented, a number of initiatives were taken during the year. Had these been backed by a genuine commitment to concrete action from the Indonesian Government, an improvement in the human rights situation might have followed. Instead, the measures taken were cosmetic, principally directed at the appeasement of international and domestic critics.

In December 1995, the United Nations High Commissioner for Human Rights visited Indonesia and East Timor. Amnesty International welcomed the visit, but expressed concern at the time that it could only contribute to an improvement in human rights if firm commitments to protect and promote these rights were obtained from the Government of Indonesia.

During his visit the High Commissioner made a number of recommendations to the Indonesian Government including full cooperation with UN human rights instruments and ratification of international human rights covenants; compensation for the victims of the 1991 Dili massacre and the need to continue to search for the "disappeared" and the dead; clemency for civilians convicted for publicly expressing political dissent or revealing facts relating to the Dili massacre and other more recent demonstrations; and the repeal of the Anti-Subversion Law. The High Commissioner also suggested that Indonesia's National Commission on Human Rights should consider investigating past violations, including events in Dili in 1991.[3]

Amnesty International welcomed these recommendations, but is extremely concerned that the Indonesian Government has not acted on them. Indeed, it is evident that while the Indonesian Government is willing to engage in dialogue it demonstrates a singular *unwillingness* to follow through with action.

In response to the High Commissioner's visit the Indonesian Government stated its commitment to further cooperation with the mechanisms of the Commission on Human Rights and to continue to implement their recommendations, but gave no indication of how this would be done. The authorities offered no invitation for UN rapporteurs and working groups to visit Indonesia and East Timor during 1996, but only "in due time". At the same time it questioned the validity of reports by "certain mechanisms" of the Commission on Human Rights describing them as being "unbalanced and lacking in objectivity". The authorities have also given no indication of any intention to release East Timorese prisoners of conscience.

The government did agree to continue to search for those missing as a result of the Dili massacre. However, in his report the High Commissioner later quotes the authorities as

saying that the incident was investigated and those found responsible punished.[4] Such contradictions simply confirm existing doubts regarding the political will of the government to conduct full and impartial investigations in to the events in Dili. The government has also failed, with rare exceptions, to investigate other violations in East Timor.[5] This failure has led to virtual impunity for the security forces effectively encouraging them to commit yet more violations in the future.

At this years' UN Commission on Human Rights credit was given to the Indonesian Government for allowing greater access to journalists and humanitarian organizations to East Timor, and the Commission expressed a desire that this be expanded to include human rights organizations.[6] While it is true that the International Committee of the Red Cross (ICRC) now has greater access to detainees in East Timor than in the past, this alone will not bring an end to torture and ill-treatment in custody. The establishment in January this year of an office of the Indonesian National Commission on Human Rights in Dili must also be seen as a welcome step. However, limitations on the National Commissions' power and functions mean that its role in greater protection and promotion of human rights of East Timorese must necessarily be limited, and that, in any case, it cannot be a substitute for international, independent monitoring.

The international community should therefore not be under any illusions about progress being made on human rights in East Timor. The limited concessions made by the Indonesian Government to access and monitoring are insufficient to significantly influence the situation on the ground. Indeed the Indonesian Government continues to maintain that

> "[*a*]*s a sovereign state, we reserve the right to refuse access to any organizations, cloaked with human rights premises while their real purposes are actually political.*" [7]

Amnesty International is among those organizations denied access to East Timor. International media has also been barred from the territory, with just one exception, since the beginning of 1996.[8] Delegations which gain access to East Timor are frequently closely monitored and in some cases have been expelled.[9]

Furthermore, the High Commissioner's proposal that a UN human rights presence be established in East Timor was considered "problematic" by the Indonesian Government. Instead, the Indonesian Government

> "*provisionally agreed to look into the possibility of the High Commissioner assigning a programme officer within the office of the UNDP [United Nations Development Programme] in Jakarta in order to follow-up the implementation of the technical cooperation agreement.*"[10]

Amnesty International considers this insufficient. We have repeatedly stated that if a UN office in Indonesia is to have any impact at all on the human rights situation either in East Timor (or Indonesia), it must meet certain minimum standards.[11] Effective technical cooperation is not possible without full access to East Timor and unless the office is given a mandate to monitor human rights.

Amnesty International believes that UN member states can contribute significantly to an improvement of the human rights situation in East Timor, including by ensuring that any UN office in Indonesia plays an effective role in protecting human rights in both Indonesia and East Timor. However, this cannot be achieved if the international community continues to accept uncritically the Indonesian Government's vague promises of cooperation and greater openness.

This uncritical position is epitomised by the consensus statement read by the Chair of the UN Commission on Human Rights of Human Rights in April this year. This is the third consecutive year in which a statement from the Chair on East Timor has been negotiated. The lack of genuine will by the Indonesian Government to implement recommendations contained in past statements should by now be evident to all concerned. Most recommendations contained in the 1993 Commission's resolution and in reports by UN thematic mechanisms have also still to be implemented.[12] Ignoring this fact, the Commission persists with its soft approach, praising the Indonesian Government for greater cooperation and further dialogue with various UN bodies and mechanisms yet failing to note that for all this cooperation and talk, no progress has been made in protecting and promoting the rights of the East Timorese people.

Chair, the lack of concrete action by the Indonesian Government and the willingness of the international community to accept the government's rhetoric tragically means that the people of East Timor have had to endure yet another year of systematic human rights violations at the hands of the Indonesian authorities. Surely it is now time for the Indonesian Government to demonstrate that it is genuinely committed to improving the human rights situation in East Timor - and it is time for the international community to hold that government to such a commitment.

1. The eighth round of talks on the question of East Timor were held in Geneva on 27 June 1996 with the Foreign Minister of Indonesia, Ali Alatas and the Foreign Minister of Portugal, Jaime Gama.

2. At least 300 people were arbitrarily detained after riots in East Timor in September and October 1995. Most of these people were released shortly after their arrests, but 43 are now believed to have been charged, and some may have already been tried, for their involvement in the riots. Despite denials that any of those arrested were tortured or ill-treated, Amnesty International received reports and testimony indicating that members of the security forces did torture and beat those detained.

Over 150 people are believed to have been arrested after disturbances in Baucau on 10 June 1996 when local East Timorese took to the streets to protest against the desecration of a statue of the Virgin Mary.

3. For full details see: Report of the High Commissioner for Human Rights on his visit to Indonesia and East Timor, 3-7 December 1995. E/CN.4/1996/112, 14 March 1996.

4. A National Commission of Inquiry was established by the Indonesian Government to investigate the Dili massacre. After examining the report, Amnesty International concluded the commission's composition and methods of work were fatally flawed, and that many of its findings were unacceptable. In early 1992 a Military Honour Council was established, charged with investigating military responsibility for the events in Dili. Following the recommendations of the Council, 10 members of the security forces were tried for disciplinary offences in June 1992. All received sentences of between eight and 18 months' imprisonment. A number of high-ranking officers were removed from their posts. In contrast, East Timorese accused of organizing the peaceful procession were tried and sentenced to terms of life imprisonment after being convicted of subversion or other political offences.

5. After the killing of six unarmed men in Liquiza on 12 January 1995, a military inquiry was held and two soldiers were tried and imprisoned for four and four and a half years for the unlawful killing of the six men. Amnesty International welcomed the inquiry and subsequent trials but the organization remains concern that the inquiry did not satisfactorily explain what happened in Liquiza. In addition the organization does not believe that it marked any consistent change in policy or practice by the Indonesian Government and its security forces. To Amnesty International's knowledge the majority of human rights violations by the security forces in East Timor remain uninvestigated. These include:

- the killing of between two and five people in Baucau in January 1995 including Domingos Jose Dos Reis and Alfonso Sarmento;
- the killing of Augustino Belo and Marcelino Freitas in Bucoli, close to Baucau, in July 1995;
- the killing of Inacio da Silva and Manuel da Silva in Viqueque in September 1995
- the "disappearance" of Eusaquio Pinto, Armando Soares, Juliao Pinto, Jose Pinto and Francisco Amaral, after being arrested in Dili on 9 January 1995;
- the "disappearance" of Antonio (last name not known) from Same, on or around 13 May 1996.

6. The 1996 Consensus Statement read by the Chair of the UN Commission on Human Rights states that "[t]he Commission notes with satisfaction the greater access recently granted by the Indonesian authorities to international media and humanitarian organisations and trusts that it will be expanded further to human rights organisations."

7. Statement by H.E. Ambassador Agus Tarmidzi Permanent Representative of the Republic of Indonesia to the United Nations and Other International Organizations on Item 10 of the Agenda, Geneva 18 April 1996.

8. A group of Australian journalists accompanied an Australian diplomatic mission to East Timor in April 1996.

9. In November 1995, a so-called "peace-pilgrimage" by members of parliament, church leaders and activists from several countries and a foreign journalist were expelled from East Timor just prior to the fourth anniversary of the Dili massacre.

10. The 1996 Consensus Statement read by the Chair of the UN Commission on Human Rights.

11. Amnesty International's recommendations for the minimum requirements for a UN office in Indonesia are provided in Appendix I.

12. Resolution 1993/97 concerning East Timor, 49th Session of the UN CHR, Geneva, February 1993. The 1992 report of the UN Special Rapporteur on torture and the December 1994 report of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions. For further details see Indonesia/East Timor - When will the Commission take action...? (ASA 21/10/96), February 1996.

Appendix I

Minimum requirements for a UN human rights office in Indonesia:

- the office should supervise the implementation of recommendations made by the United Nations Commission on Human Rights (UN CHR) and by its thematic mechanisms concerning Indonesia and East Timor;
- the office should not preclude initiatives of other United Nations human rights mechanisms and experts;
- the office should have the authority to receive information from all available sources, including individuals, governmental and non-governmental organisations on the human rights situation in Indonesia and East Timor;
- the office should have the authority to issue regular public reports on its findings, including its assessment of the human rights situation; these reports should be made available to the UN CHR;
- the office should have the authority to advise the Indonesian Government on ways and means to improve human rights in Indonesia and East Timor;
- there must be full acknowledgment by the Indonesian Government that the office should be empowered to gather information about violations of human rights and to follow up on these findings with the authorities concerned;
- the office should be staffed by independent human rights experts and be provided with necessary resources;
- staff of the office must have full and unimpeded access to all areas of Indonesia and East Timor.

In view of the serious nature of human rights violations in East Timor the High Commissioner for Human Rights needs to develop the capacity to monitor the human rights situation in East Timor and should consider a permanent presence there to achieve this end.